UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,138	03/30/2001	Richard Bardini	020699000600	8672

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CARPENTER & KULAS, LLP
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

EXAMINER
LY, ANH VU H

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 December 2004_.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _4-6 and 10-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) _10_ is/are allowed.

6) ☒ Claim(s) _4-6 and 11-27_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This communication is in response to applicant's amendment filed December 06, 2004.

Claims 4-6 and 10-27 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 4, 6, 11-16, 18-20, 22-25, and 27 are rejected under 35 U.S.C. 102(e) as being

anticipated by Movshovich et al (US Patent No. 6,434,146 B1).

With respect to claims 4 and 19, Movshovich discloses in Fig. 6, a block diagram

illustrating the operation of the local header unit 400 in the transport demultiplexing system.

Herein, the local header unit 400 includes a packet timestamp counter 420 (an isochronous data

processor configured to process isochronous data packets), multiplexing unit 422, and local

header state machine 426 (a firmware control configured to control operation of isochronous data

processor). As illustrated in Figs. 7A and 7B, a local header (data marker) is generated and

inserted at the start of each transport packet (a data marker inserted at beginning of each of

isochronous data packets). Movshovich discloses (col. 7, lines 57-59) that the transport packets,

along with the associated local header, are forwarded to a FIFO 322 to eventually be stored to

memory (a storage medium for storing data markers and their associated isochronous data

packets). Movshovich discloses (col. 11, lines 40-46) that byte 2 of the local header stores a

counter value and is an incremental counter value which increments for every transport packet

received. This counter value serves as time stamp information to retain the real-time information

(isochronous data packet) of the transport stream, which can be used to maintain synchronization

of an IEEE 1394 interface (wherein isochronous data processor uses data marker to

resynchronize data delivery to the device when data delivery contains a corrupted packet).

With respect to claims 6 and 12, Movshovich discloses (col. 11, lines 40-46) that byte 2

of the local header stores a counter value and is an incremental counter value which increments

for every transport packet received. This counter value serves as time stamp information to

retain the real-time information of the transport stream, which can be used to maintain

synchronization of an IEEE 1394 interface (isochronous data packets are transmitted in

accordance with IEEE 1394 specification).

With respect to claims 11 and 20, Movshovich discloses (col. 11, lines 40-46) that this

counter value serves as time stamp information to retain the real-time information of the

transport stream, which can be used to maintain synchronization of an IEEE 1394 interface

(upon retrieving data from storage medium, isochronous data processor uses data marker to

synchronize data delivery to the device).

With respect to claims 13 and 22, Movshovich discloses in Figs. 7A and 7B that the entry

includes the local header, MPEG header, and MPEG payload (a record is stored in a buffer in the

following order: the data marker, isochronous header, and a plurality of data packets).

With respect to claims 14 and 23, Movshovich discloses (col. 7, lines 57-59) that the

transport packets, along with the associated local header, are forwarded to a FIFO 322 to

eventually be stored to memory (wherein the record is stored on a hard disk).

With respect to claims 15-16 and 24-25, Movshovich discloses in Figs. 7A and 7B that

the local header indicates the start of a packet in a frame (data marker is used to determine the

start of a packet and the packet is synchronized to the start of frame).

With respect to claims 18 and 27, Movshovich discloses in Fig. 1, a set-top box for

delivering information to the requested television 122 (wherein resynchronization of data

delivery is in response to a request for data from the device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 5, 17, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Movshovich et al (US Patent No. 6,434,146 B1) in view of Lynn et al (US Pub 2004/0125825

A1).

        With respect to claims 5, 17, 21 and 26, Movshovich discloses in Fig. 6, a local header

unit for generating a local header. Movshovich does not disclose that data delivery begins with

an isochronous data packet, which corresponds to a next frame boundary. Lynn discloses in

page 1, 6th paragraph, that if the first packet of a frame is received outside of this boundary, the

entire frame is generally discarded and not processed by the receiving device. This implies that

if a packet in a frame is not delivered on time, the frame is discarded and the processing begins

with the next packet of the next frame delivery. It would have been obvious to one having

ordinary skill in the art at the time the invention was made to include the features of dropping

and delivering only the next uncorrupted frame in Movshovich's system, as suggested by Lynn,

to prevent jitters when displaying in the receiving device.

Allowable Subject Matter

4.   Claim 10 is allowed.

Response to Arguments

5.   Applicant's arguments with respect to claims 4-6 and 10-27 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anh-Vu H Ly whose telephone number is 571-272-3175. The

examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHI PHAM
SUPERVISORY PATENT EXAMINF
TECHNOLOGY CENTER 266